

JONATHAN STEPHEN	§	
v.	§	CIVIL ACTION NO. 6:14cv586
CAPTAIN TODD CHOATE, ET AL.	§	

The Plaintiff Jonathan Stephen, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Anderson County Jail. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Stephen named Captain Todd Choate (mis-identified as “Chotes” in the complaint) and the Anderson County Jail.

Stephen complained of a slip and fall injury which he suffered in the jail and May 20, 2014, as well as denial of medical care following this injury. After the claims against the Anderson County Jail were dismissed, the Defendant Captain Choate filed a motion for summary judgment based on Stephen's failure to exhaust administrative remedies, to which Stephen did not file a response.

After review of the pleadings, the magistrate judge issued a report recommending that the Defendant's motion for summary judgment be granted. A copy of this report was sent to Stephen at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

**ORDERED** that the report of the magistrate judge (docket no. 25) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Defendant's motion for summary judgment (docket no. 24) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis*. It is further

**ORDERED** that any and all motions which may be pending in this action are hereby **DENIED**.

**SIGNED this 29th day of April, 2016.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE